

## **CHAPTER 1.0**

### **INTRODUCTION AND BACKGROUND**

#### **1.1 PROJECT LOCATION AND BACKGROUND**

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On February 29, 2012, Energy Fuels Inc. acquired the Sheep Mountain Uranium Project (Project) in Wyoming through its acquisition of Titan Uranium USA, Inc. (Titan) and is redeveloping the Project under management of its wholly-owned subsidiary, Energy Fuels Resources (USA) Inc. (Energy Fuels). Energy Fuels will continue as the owner and operator of the Project.

Titan submitted a Plan of Operations for the Project, per the requirements of 43 Code of Federal Regulations (CFR) § 3809.400 et seq., to the Bureau of Land Management (BLM) Lander Field Office (LFO) on June 16, 2011. Energy Fuels submitted a revised Plans of Operations to the BLM on July 9, 2012, on August 27, 2013, and on October 6, 2015 (Energy Fuels, 2015a). The Project is also within active State of Wyoming Permit to Mine 381C, which was originally issued in 1975 and is administered by the Wyoming Department of Environmental Quality-Land Quality Division (WDEQ-LQD). In January 2014, Energy Fuels submitted a revision to the WDEQ-LQD Permit to Mine 381C and the revision was made available to the BLM to provide additional details and clarifications to the August 2013 Plan of Operations. Energy Fuels will submit an application to the United States Nuclear Regulatory Commission (NRC) for a Source and Byproduct Materials License for the proposed Heap Leach and Ore Processing Facility if this path is selected for project advancement.

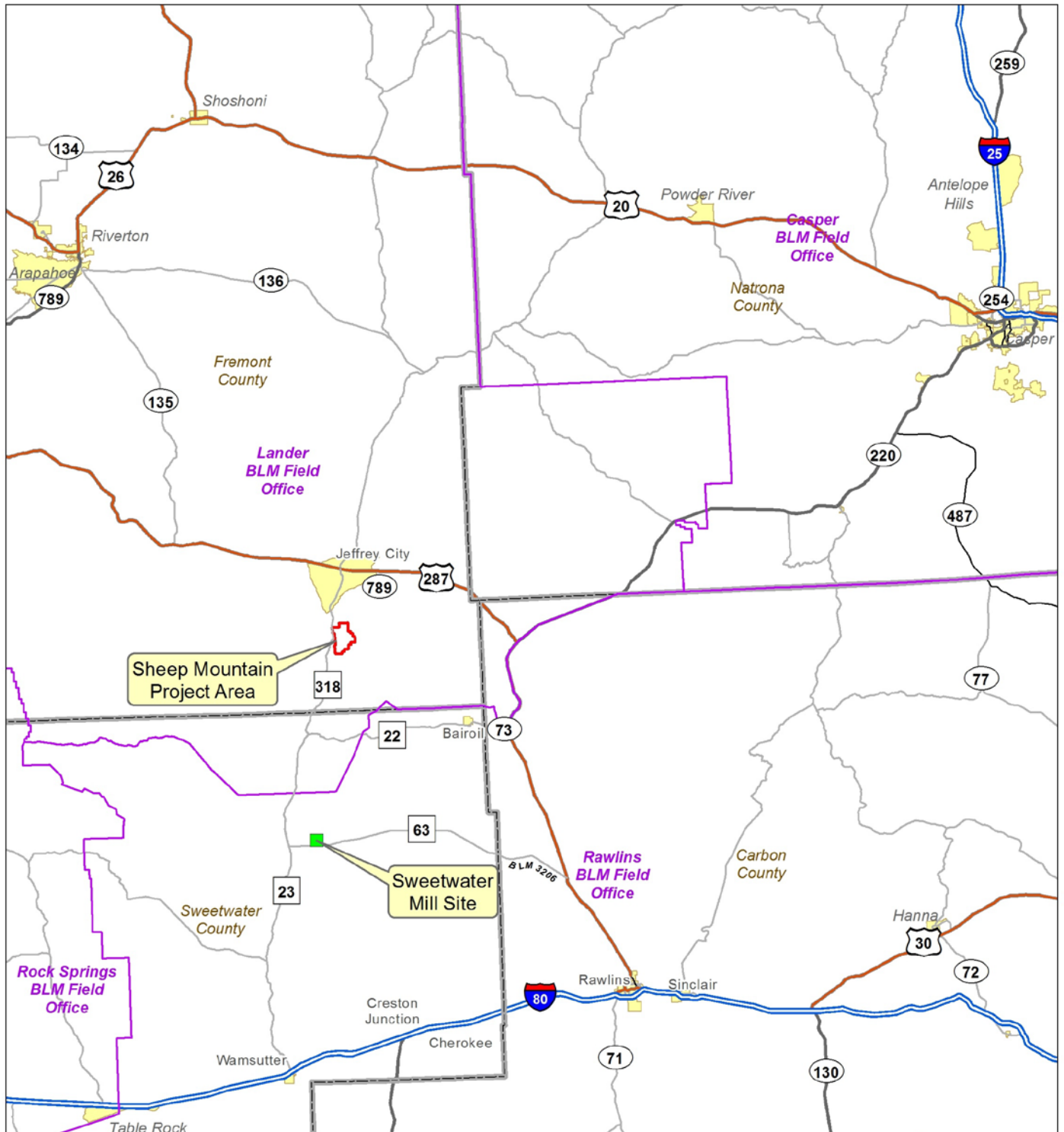
The Project is located 8 road miles south of Jeffrey City, Wyoming, in Fremont County, 6<sup>th</sup> Principal Meridian, Township 28 North, Range 92 West, Sections 16, 17, 20, 21, 22, 27, 28, 29, 32, and 33 in an area previously extensively mined starting in the 1950s. This area lies approximately 62 road miles southeast of Riverton, 67 road miles north of Rawlins, and 105 road miles southwest of Casper, in the Crooks Gap Mining District (see Map 1.1-1).

#### **1.2 PURPOSE AND NEED**

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The National Environmental Policy Act (NEPA) is the process by which the BLM identifies alternatives to a proposed action and analyzes the environmental impacts to inform the public and the decision maker. NEPA includes a requirement to present the Purpose and Need for a proposed project which serves as the basis for developing a reasonable range of alternatives. The purpose of the proposed Project is to determine whether the mining and processing of uranium from existing mining claims would result in undue or unnecessary degradation to public lands.

The need for a BLM action is to respond to Energy Fuels' proposal and to evaluate potential impacts that would result from implementing future plans and applications related to the proposal. The BLM has the responsibility for the laws and regulations regarding the availability of all locatable minerals on federal lands, including uranium, as specified under General Mining Law of 1872 as amended (30 United States Code - USC §§ 22-54 and §§ 611-615), the original public land authority in 43 USC §§ 2, 15, 1201 and 1457, Title 43 of the CFR in Groups 3700 and 3800, and the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC § 1701 et seq.). Under these laws, the BLM has the obligation to allow and encourage claim holders to develop their claims subject to reasonable restrictions including the restriction that undue or unnecessary degradation may not occur; see 43 CFR § 3809.411(d)(3).



**Map 1.1-1  
General Project Location**

**Legend**

- Project Area Boundary
- Sweetwater Mill Site
- US Census Populated Places (areas)
- Wyoming BLM Field Office Boundary
- County



0 2 4 6 8 10 20  
Miles

No warranty is made by the Bureau of Land Management (BLM) for use of the data for purposes not intended by the BLM

More specifically, the decisions to be made by the BLM Authorized Officer (AO) are:

1. Whether Energy Fuels' Plan of Operations as submitted will ensure the proposed Project will not cause "unnecessary or undue degradation" to public lands managed by the BLM (43 CFR § 3809 revised 2001);
2. Whether to approve Energy Fuels' Plan of Operations with changes or conditions necessary to prevent undue or unnecessary degradation to public lands, and to meet the standards of 43 CFR § 3809.420; and
3. The BLM will make a determination as to whether or not the construction, presence, or maintenance of the temporary or permanent structures described in the Plan of Operations meet the requirements of the 43 CFR § 3715 regulations."

### 1.3 LEGAL AND POLICY CONSIDERATIONS

#### 1.3.1 Conformance with Federal Management Plans and Policies

The BLM has the responsibility and authority to manage the publically held surface and subsurface resources located within the jurisdiction of the LFO. Policies for development and land use decisions for federal lands and minerals for the Project are contained in the following federal documents:

- Record of Decision (ROD) for the Lander Resource Management Plan (LRMP) (BLM, 2014a) and the range of alternatives described in the Final Environmental Impact Statement (FEIS) and Resource Management Plan (RMP) revision (BLM, 2013a);
- General Mining Law of 1872, as amended (30 USC §§ 22-54 and §§ 611-615);
- Title 43 CFR §§ 3700 and 3800; and
- Federal Land Policy Management Act of 1976.

Additional information and guidance for the Project is contained in the following documents:

- Plan of Operations Sheep Mountain Uranium Project (Energy Fuels, 2015a);
- WDEQ-LQD Permit to Mine 381C;
- 10 CFR § 71 (NRC) and 49 CFR § 173.389 (United States Department of Transportation - USDOT). Transportation of radioactive material in accordance with NRC regulation, and transport of all byproduct material for off-site disposal in accordance with USDOT in addition to NRC regulations;
- State of Wyoming Executive Order (EO) 2015-4 Greater Sage-Grouse Core Area Protection (State of Wyoming, 2015) and;
- 10 CFR § 40.28 Uranium Mill Tailings Radiation Control Act (UMTRCA) Title II disposal sites managed by the Office of Legacy Management (LM).

Management objectives within the LRMP include allowing locatable mineral exploration and development while protecting or mitigating impacts to other resource values. Thus, the proposed Project is consistent with the management decisions contained in the LRMP as well as the associated FEIS (BLM, 2013a) and ROD (BLM, 2014a).

The NRC, established under the Energy Reorganization Act of 1974 and Atomic Energy Act of 1954 (AEA), as amended by UMTRCA, is authorized to issue licenses for the possession and use of source material and byproduct material. These statutes require that the NRC ensure source material, as defined in AEA Section 11(z) and byproduct material, as defined in AEA Section 11e(2) is managed to conform with applicable regulatory requirements. Uranium recovery is regulated by the NRC pursuant to the requirements of Part 40 of Title 10 of the CFR (10 CFR § 40), "Domestic Licensing of Source Material" and more specifically Appendix A to

Part 40, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material from Ores Processed Primarily for Their Source Material Content." Energy Fuels must obtain approval from the NRC to conduct uranium recovery at Sheep Mountain.

The BLM will be a Cooperating Agency in the development of the NRC Environmental Impact Statement (EIS) of Energy Fuels' application, should the application be submitted. The BLM is separately charged with preventing undue and unnecessary degradation of federal surface through the development and decisions made within this EIS.

### **1.3.2 Conformance with Local Land Management Plans and Policies**

The State of Wyoming is a Cooperating Agency on this EIS. There are no comprehensive State of Wyoming plans for the Sheep Mountain area. Through the Office of the Governor, protections associated with Project components that fall under the jurisdiction of individual state agencies have been identified and included in alternatives discussed in this document.

The proposed Project is located in Fremont County which has developed the Fremont County Wyoming Land Use Plan (Fremont County, 2004a). It is "intended to be a guide for the citizens of Fremont County in identifying and respecting the customs, culture, economic viability, social stability, and quality of life found in this unique area, and then applying those values to growth and development as they occur in the County." The Fremont County plan recognizes the influence the mineral industry has on area values, and includes provisions for encouraging and supporting economically feasible mineral development. As a Cooperating Agency, Fremont County has been involved in the development of Project alternatives described in this document. Because the Project would both supply income from royalties/taxes and meet Fremont County concerns, the proposed Project is consistent with Fremont County planning objectives.

Sweetwater County is also a Cooperating Agency. The Sweetwater County 2002 Comprehensive Plan calls for industrial development to occur in a manner that balances economic growth with environmental protections. Because the existing Sweetwater Mill is zoned for Mineral Development, the potential use of the mill for this Project is consistent with the Sweetwater County Comprehensive Plan. Sweetwater County encourages consideration of the following conditions:

- County permits, and county road licenses are obtained;
- A Sweetwater County Road Use, Improvement and Maintenance Agreement is approved and implemented; and
- Project concerns are addressed with the communities of Bairoil and Wamsutter and with the Sweetwater County Solid Waste District #2 as well as the High Desert Rural Health Care District.

If off-site processing occurs and commercial hauling becomes necessary on the Minerals Exploration Road in Carbon County, a permit from the BLM Rawlins Office may be necessary.

### **1.3.3 Authorizing Actions and Project Relationships to Statutes and Regulations**

BLM authority for land management derives from the FLPMA. General BLM regulations are described in 43 CFR, Subtitle B - Regulations Relating to Public Lands, Chapter II - BLM, United States Department of the Interior (DOI). BLM regulations for the management of mining included in 43 CFR § 3809, Surface Management, were promulgated in 1981, revised in 2001, and derive their mandate from Sections 302 and 303 of the FLPMA. Subpart 3809 establishes procedures and standards for mining claimants to prevent public land degradation and requires

reclamation of disturbed areas. It also requires coordination with state agencies. Under 43 CFR 3809 regulations, surface activity for the proposed Project is more than casual use (includes use of mechanized equipment), disturbs greater than 5 acres of public land and therefore requires a Plan of Operations, a full environmental assessment, and reclamation bonding.

The General Mining Law of 1872 declared all valuable mineral deposits in land belonging to the United States to be free and open to exploration and purchase. Under the FLPMA, these actions require recordation of mining claims with the BLM and authorized regulations for surface protection of the public lands. The Mining and Mineral Policy Act of 1970 (MMPA) mandates that federal agencies ensure that closure and reclamation of mine operations be completed in an environmentally responsible manner. The MMPA states that the federal government should promote the “development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined lands, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining mineral activities.”

The management of use and occupancy of public lands for the development of locatable minerals is described in the provisions of 43 CFR § 3715. The BLM will make a determination as to whether or not the construction, presence, or maintenance of the temporary or permanent structures described in the Plan of Operations meet the requirements of the 43 CFR § 3715 regulations.

Other major federal, state, and local laws, regulations and applicable permits that are relevant to the proposed Project include those listed in Table 1.3-1, which is not all-inclusive.

**Table 1.3-1**  
**Major Federal, State, and Local Laws, Regulations, and Applicable Permits**

Issuing Agency	Name and Nature of Permit/Approval	Regulatory Authority (if appropriate)
<b>Federal Agencies</b>		
BLM	BLM will prepare an EIS to review the environmental impacts associated with the Plan of Operations, determine if changes need to be made to the Plan of Operations, and issue a ROD	NEPA (Public Law 91-190) and Council on Environmental Quality (CEQ) - Regulations for Implementing NEPA (40 CFR §§ 1500 – 1508)
	BLM to authorize mining operations based on submitted Plan of Operations	General Mining Law of 1872, as amended (30 USC §§ 22-54 and §§ 611-615), and implementing regulations (43 CFR §§ 3700 and 3800)
		Portions of the FLPMA of 1976 43 USC §§ 1701-1782, as amended that affect the General Mining Law
	Antiquities and cultural resource permits on BLM-administered land	Antiquities Act of 1906, as amended (16 USC §§ 431-433) Archaeological Resources Protection Act of 1979, as amended (16 USC §§ 470aa-47011) Preservation of American Antiquities, as amended (43 CFR § 3) National Historic Preservation Act (NHPA), as amended (16 USC § 470)(36 CFR § 80)
	Evaluate Environmental Justice	Executive Order 12898, “Environmental Justice” February 11, 1994
	Pesticide Use Permit and Daily Pesticide Application Record	BLM Authorization for Herbicide Applications on Federal Lands

Issuing Agency	Name and Nature of Permit/Approval	Regulatory Authority (if appropriate)
	Federal Noxious Weed Act compliance	Plant Protection Act of 2000 (Public Law 106-224, 7 USC § 7701); Federal Noxious Weed Act of 1974, as amended (USC §§ 2801-2814); EO 13112 of February 3, 1999
	Initiation of Section 7 consultation	Section 7 of the Endangered Species Act (ESA), as amended (16 USC et seq.)
	Paleontological Resource Use Permit; approval for surveys and potential data collection as determined necessary	FLPMA (302[b])
	Identify and comply with Native American Religious Concerns	American Indian Religious Freedom Act of 1978 (42 USC § 1996)
NRC	NRC to issue a Source and Byproduct Materials License (not submitted)	Requirements under Title 10 CFR § 40 (Domestic Licensing of Source Material) and Title 10 CFR § 51 (Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions)
United States Environmental Protection Agency (EPA)	National Emissions Standards for Hazardous Air Pollutants (NESHAPs) (not submitted)	<p>40 CFR § 61 Subpart A General provisions that must be met by any NESHAPs facility. (Approval for construction may be granted under Section 61.08)</p> <p>40 CFR § 61 Subpart B (The standard in 61.22 requires that emissions of Rn-222 in ambient air from an underground mine shall not exceed an amount that would cause any member of the public to receive an effective dose equivalent of 10 mrem/yr)</p> <p>40 CFR § 61 Subpart W (Subpart W is currently undergoing revision and the applicable standards for the uranium production facility may be changed)</p>
United States Fish and Wildlife Service (FWS)	Informal or formal consultation under Section 7; Coordination under Section 9 (not necessary)	ESA of 1973, as amended (Public Law 93-205)
	Protection of birds that live, reproduce or migrate within or across international borders (not completed)	Migratory Bird Treaty Act (MBTA) of 1918, as amended
	Protection of bald and golden eagles (not completed)	Bald and Golden Eagle Protection Act (BGEPA) of 1940, as amended (16 USC § 668(a); 50 CFR § 22)
<b>State Agencies</b>		
Wyoming Department of Environmental Quality - Water Quality Division (WDEQ-WQD)	Permit for evaporation ponds (not completed)	WDEQ-WQD Water Quality Rules and Regulations Chapter 3, Regulations for Permit to Construct, Install or Modify Public Water Supplies, Wastewater Facilities and Other Facilities Capable of Causing or Contributing to Pollution

Issuing Agency	Name and Nature of Permit/Approval	Regulatory Authority (if appropriate)
	WYPDES Stormwater discharge Permit (Permit WYR000285 Approved Surface Water Pollution Prevention Plan (SWPPP) to be updated as mining progresses)	WDEQ-WQD Water Quality Rules and Regulations Chapter 2, Permit Regulations For Discharges to Wyoming Surface Waters
	WYPDES Dewatering Discharge Permit (Permit WY0095702 approved)	
WDEQ-LQD	Permit to Mine 381C (revision approved)	1973 Wyoming Environmental Quality Act
Wyoming Department of Environmental Quality - Air Quality Division (WDEQ-AQD)	Air Quality Permit to Construct Air Quality Permit to Operate Permitting requirements under WDEQ-AQD Standards and Regulations, Chapter 6 (P0015550 approved)	Wyoming Environmental Quality Act, Article 2, Air Quality, as amended (Wyoming Statute 35-11-201 through 35-11-212)
	Prevention of Significant Deterioration (PSD) Program NESHAPs Pre-Construction Approval (Approved Application #A0000220)	Clean Air Act, as amended (42 USC § 7401 et seq.)
Wyoming Game and Fish Department (WGFD)	Determine compliance through external review for greater sage-grouse core areas and management recommendations (completed, future consultations to be completed as necessary)	Wyoming EO 2015-4
	Consult on Mitigation Measures as Required, Including Protection of Raptors from Power Lines (not completed, future consultation to be completed as necessary)	Wyoming Statute 35-11-406(b)(xiii), LQD NonCoal Rules, Chapter 2, Section 1(f), and WDEQ-LQD Guideline No. 5 (Wildlife)
Wyoming State Engineer's Office	Treatment Ponds Diversion Ditches Groundwater application for pit dewatering well Beneficial Use Appropriation (monitoring wells are in Energy Fuels' name, and water rights for groundwater are owned by Energy Fuels)	Wyoming Constitution, Article 8 and Title 41: Wyoming Water Statute
State Historic Preservation Officer	Review and compliance activities related to cultural resources (completed, future consultation to be completed as necessary)	Consultation under Section 106, National Historic Preservation Act - NHPA (36 CFR § 80)
Wyoming Department of Transportation (WYDOT)	Permits for oversize, over length, and overweight loads (not completed)	Chapters 17 and 20 of the Wyoming Highway Department Rules and Regulations
Wyoming Office of State Lands and Investments (WOSLI)	Traversing state lands off established roads or through construction of a new Right-of-Way (ROW), Management of State Uranium Lease (completed, future consultation to be completed as necessary)	WOSLI General Provisions (Wyoming Statutes 36-2-107 and 36-9-118)

Issuing Agency	Name and Nature of Permit/Approval	Regulatory Authority (if appropriate)
Wyoming Department of Fire Protection and electrical Safety	Determine compliance with the international building, fire, mechanical, and fuel gas codes, 2012 editions; permits for electrical and fire safety (not completed)	Wyoming Statute 35-9-106
Wyoming Highway Patrol Motor Carrier Division	Applicable placards for vehicles transporting hazardous materials (not completed)	Federal Motor Carrier Safety Administration Rules and Regulations (49 CFR §§ 300 – 399)
<b>Local Agencies</b>		
Fremont County Transportation Department	Access Permit for county roads used to access Project Area, signage and/or cattle guard permits for structures placed in county right-of-way, review and consultation for road improvements and maintenance agreements for access to and from the Project Area (not completed)	Fremont County Board of Commissioners
Fremont County Emergency Management	Reporting of hazardous materials, Right-to-Know Act for Sheep Mountain Mine and Mill and related transportation and storage (not completed)	Emergency Planning and Community Right-to-Know (EPCRA) 42-116-1-01 et seq.
Sweetwater County Land Use	Zoning, Construction, and Land Use permits for Sweetwater Mill site expansion, modifications (not completed)	Wyoming Statute 18-5-201 et seq.
Sweetwater County Public Works Department	Sweetwater County road licenses, permits, and county road use, improvement and maintenance agreements for access to and from the Sweetwater Mill site (not completed)	Wyoming Statute 24-1-104
Sweetwater County Emergency Management	Reporting of hazardous materials, Right-to-Know Act for Sweetwater Mill and related transportation and storage (not completed)	EPCRA 42-116-1-01 et seq.

## 1.4 PUBLIC PARTICIPATION

### 1.4.1 Public Participation and Scoping Summary

The Notice of Intent (NOI) to prepare an EIS for the Project was published in the Federal Register (76 FR 52688) on August 23, 2011, which included a detailed project description and BLM contact information.

On August 23, 2011, BLM issued press releases announcing their intent to prepare an EIS with information about the upcoming public scoping meetings. The press release was issued to local and state newspapers, including the Casper Star Tribune, Riverton Daily Ranger, Lander Journal, Wind River News, and the Rawlins Times. The press release was also distributed to K2TV news in Casper, and the Wyoming Congressional Delegation or their representatives. This press release provided information about the public scoping meeting dates, times, and locations.



In addition to the NOI, the BLM mailed 39 Dear Interested Party letters on August 26, 2011, notifying the public about the Project, the intent to prepare an EIS, and information about the scoping meetings.

The date, times, location, and number of attendees at the scoping meetings are provided in Table 1.4-1. The scoping meetings were conducted using an open house format. The informal open house format allows meeting attendees the opportunity to ask BLM representatives and the Project applicant questions about the Project and the NEPA process. Display boards showing maps of the proposed Project were provided to facilitate conversation. The proponent also supplied a power point slide presentation. Fact sheets were distributed to meeting attendees describing the proposed Project, the NEPA process, and how the public can be involved. Comment forms were available for the public to complete and submit to the BLM at the meeting, or for mailing to the BLM at a later date. Information on submittal of comments through the internet was also provided. The scoping period closed October 11, 2011.

**Table 1.4-1  
Scoping Meetings**

<b>Meeting Location</b>	<b>Meeting Date/Time</b>	<b>Number of Attendees Who Signed in</b>
Fremont County Library Lander Branch 200 Amoretti Street Lander, Wyoming 82520	Tuesday, September 13, 2011 5-7 p.m.	7 Interested Public 3 Industry 6 BLM 16 Total
Fremont County Library Riverton Branch 1330 West Park Avenue Riverton, Wyoming 82501	Wednesday, September 14, 2011 5-7 p.m.	14 Interested Public 8 Industry 6 BLM 28 Total
Jeffrey City Fire Hall 140 Coyote Drive Jeffrey City, Wyoming 82310	Thursday, September 15, 2011 5-7 p.m.	7 Interested Public 4 Industry 4 BLM 15 Total

In response to Energy Fuels' modification of the Plan of Operations in August 2013, the BLM issued a press release on September 25, 2013 providing notice of the availability of the modification. The BLM accepted comments on the modification for 30 days ending October 24, 2013. No comments were received.

More details on the public scoping process, meetings, and the comments submitted can be found in the "Sheep Mountain Uranium EIS Scoping Summary Report" dated October 20, 2011, which was posted to the Project website hosted by the BLM (<http://www.blm.gov/wy/st/en/info/NEPA/documents/lfo/sheepmtn.html>).

A news release seeking public comment on the Draft EIS was posted on the BLM Lander Field Office website at: [www.blm.gov/wy/st/en/info/news\\_room/2015/january/16lfo-sheepmtn.html](http://www.blm.gov/wy/st/en/info/news_room/2015/january/16lfo-sheepmtn.html) on January 16, 2015. The Draft EIS was also posted on the website. Additionally, postcards and emails announcing the availability of the Draft EIS and soliciting public comments were sent to 54 Cooperating Agencies and 143 interested individuals. The BLM invited the public to provide comments on the Draft EIS for 45 days beginning January 16, 2015 through March 2, 2015. The BLM hosted a public meeting in Lander at the Fremont County Library on January 28, 2015.

Fourteen comment letters were received during the comment period, including six letters from state and federal agencies, one letter from a local government, one letter from business and industry, two letters from elected officials, one letter from an individual, and three letters from environmental advocacy groups. BLM reviewed the comments, provided responses to each

comment, and where appropriate, incorporated responses into the FEIS. The comment response log is provided in Appendix 1-A.

#### **1.4.2 Primary Issues from Public Scoping**

BLM received a total of eight comment submittals (e.g., letter or comment form) containing 60 individual comments during the public scoping period. Following the close of the public scoping period, comments were compiled and analyzed to identify issues and concerns. Each comment was identified, reviewed, and entered into an electronic database. As comments were entered, contact information for the commenter was added or updated to the mailing list to ensure that all interested parties would receive information throughout the EIS process.

Information gained during scoping assists the BLM in identifying the potential environmental issues, alternatives, and mitigation measures associated with development of the proposed Project. The process provides a mechanism for narrowing the scope of issues so that analysis in the EIS can focus on areas of high interest and concern. A majority of the comments were related to cumulative impacts, mitigation and monitoring, potential impacts to range resources, water resources, and wildlife resources. The following list summarizes submitted concerns by topic category.

- *Alternatives.* Aspects of the Project that should be considered in discussions of alternatives include: phasing; reclamation and restoration criteria and timing; transportation routes; and wastewater treatment, storage, and disposal.
- *Mitigation and Monitoring.* Previous mining activities in the area have contributed to unreclaimed or poorly reclaimed surface disturbance. Surface reclamation in the area can be problematic. Groundwater restoration could be difficult, and the EIS should examine potential groundwater restoration issues; the timing, inspection, and enforcement of reclamation or restoration needs better definition, and appropriate bonding needs to be required.
- *Rangeland Resources.* The EIS should disclose potential impacts to area recreation, including hunting. Current land use includes grazing; the EIS should discuss both impacts of grazing to the existing vegetation and impacts to grazing and to grazing permit holders from the proposed Project.
- *Water Resources.* Concerns included potential impacts to both surface water and groundwater. Potential impacts to surface waters to be addressed include river sedimentation from runoff and erosion, protection of existing reclaimed waterbodies or impoundments, and the potential for selenium to become concentrated in evaporation ponds. Potential impacts to groundwater to be addressed include contamination of groundwater and aquifers. The potential for drawdown due to the mining process to impact area streams and springs, including reducing flows and causing contamination through communication with mine water, should also be addressed.
- *Wildlife Resources.* Changes in vegetation due to the proposed Project could impact wildlife, including greater sage-grouse, mule deer, and antelope. Issues relating to proposed evaporation ponds such as exposure pathways to wildlife, including migratory birds through drinking water are also of concern. A full description of mitigation for impacts to wildlife should be included, particularly for migratory birds. The Project needs to adhere to the MBTA. The potential for wildlife mortality due to Project-related traffic also should be analyzed.

- *NEPA Process and Public Participation.* The public desired assurance of a complete analysis of impacts.
- *Cumulative Impacts.* A description of any monitoring that will be incorporated or has been performed to determine area air quality should be included in the analysis description. Impact analysis should include a description of impacts from other uranium projects and non-mining projects in the region. Additionally, short- and long-term impacts to surface water and groundwater and impacts to livestock grazing due to multiple area projects should be discussed.

### **1.4.3 Agency Coordination and Consultation**

#### **1.4.3.1 Cooperating Agency Participation**

The BLM identified state agencies, local governments, tribal governments, and other federal agencies with jurisdiction or special expertise for potentially impacted environmental resources associated with the Project. These agencies were extended the opportunity to become Cooperating Agencies for the development of this EIS, and be involved in the development of alternatives and mitigation measures. The agencies requesting Cooperating Agency status include the EPA, FWS, National Park Service (NPS), State of Wyoming, Fremont County, Carbon County, and Sweetwater County (Table 1.4-2). The NRC served as a consulting agency.

Cooperating Agencies were consulted throughout the development of this EIS to ensure a comprehensive analysis was performed. On September 28, 2011, the BLM and Cooperating Agencies were presented with a field tour by the proponent. The tour was for the benefit of those preparing the environmental analysis. The proponent described the location and its physical attributes, the development that has already occurred, the proposed plan of action, and answered questions. The tour adjourned and returned to Jeffrey City around 12:15 p.m. The Cooperating Agency Meeting began at 1 p.m. at the Jeffrey City Fire Hall. The meeting was open for public observation, with a public question period at the end of meeting. Comments provided by members of the public during these meetings either verbally or in writing were used to inform the discussions of the Cooperating Agencies in developing the EIS.

#### **1.4.3.2 Native American Consultation**

On September 5, 2012, the BLM and tribal representatives visited the Sheep Mountain Project Area. The purpose of the tour was to show tribal representatives the Project Area and elicit comments about the Project and sites of religious or cultural significance that may be in the area. A total of six tribes were contacted via letter, email, and phone calls to see if they wanted to send representatives to the field tour. Of the six tribes, two sent representatives to participate in the September 5, 2012 field tour.

No known archaeological sites were located in the Project Area from past surveying, so none were visited during the field tour, but the field tour looked at two nearby sites: the Crooks Gap Stage Station and an intact segment of the Rawlins to Fort Washakie Road.

#### **1.4.3.3 SHPO Consultation**

The BLM submitted cultural resource inventory reports for formal State Historic Preservation Officer (SHPO) review on May 31, 2012, and provided additional information to SHPO on July 10, 2012. On July 17, 2012, SHPO concurred with BLM's finding of No Adverse Effect and agreed that setting was no longer an aspect of integrity for the Crooks Gap Stage Station and Rawlins to Fort Washakie Road in this area. The BLM again consulted with SHPO on December 18, 2013, after additional disturbance areas were identified and inventoried. On January 17, 2014, SHPO determined that the one additional site identified, 48FR7357, was not eligible for inclusion in the NRHP.

**Table 1.4-2  
Cooperating Agencies**

<b>Agency</b>	<b>Name of Contact</b>	<b>Date of Response</b>	<b>Response</b>
<b>Local Agencies</b>			
Fremont County Commission	Douglas L. Thompson, Chairman	04/21/2011	Requested to be a Cooperating Agency
Carbon County Commission	John Espy, Chairman Mike Kelly, Deputy County Attorney (contact) Sid Fox, Planning Director	02/06/2014	Requested to be a Cooperating Agency
Sweetwater County Commission	Wally Johnson, Chairman Mark Kot, Public Lands Planner (contact)	02/04/2014	Requested to be a Cooperating Agency
Popo Agie Conservation District	Jeri Trebelcock, Executive Director	Did not request to be a Cooperating Agency	
<b>State of Wyoming</b>			
Office of the Governor	Matt Mead, Governor Jeremiah Rieman, Policy Advisor (contact)	09/6/2011	Requested to be a Cooperating Agency
Game & Fish Department <sup>1</sup>	John Kennedy, Deputy Director Scott Gamo, Habitat Protection (contact) Linda Cope, Habitat Protection Gwen Booth, Secretary - Habitat Protection	09/06/2011 <sup>1</sup>	Requested to be a Cooperating Agency
Department of Agriculture <sup>1</sup>	Doug Miyamoto, Director		
Department of Revenue <sup>1</sup>	Dan Noble, Director Craig Grenvick, Administrator - Mineral Tax Division		
Office of State Lands and Investments <sup>1</sup>	Bridget Hill, Director		
State Engineer's Office <sup>1</sup>	Patrick Tyrell, State Engineer Sue Lowry, Interstate Streams (contact)		
State Geological Survey <sup>1</sup>	Thomas Drean, State Geologist		
State Parks, Historic Sites, and Trails <sup>1</sup>	Milward Simpson, Director		
State Historic Preservation Officer <sup>1</sup>	Mary Hopkins, Historic Preservation Officer Richard Currit, NEPA Coordinator		
Governor's Planning Office <sup>1</sup>	Jessica Crowder (contact)		
Office of Tourism Board <sup>1</sup>	Diane Shober, Director		
Water Development Office <sup>1</sup>	Harry C. LaBonde, Director Phil Ogle, River Basin Planning Administrator (contact)		
Wyoming Business Council <sup>1</sup>	Roger Bower, West Central Regional Director		

Agency	Name of Contact	Date of Response	Response
Department of Environmental Quality <sup>1</sup>	Todd Parfitt, Director John Erickson, WDEQ-LQD District 2 Supervisor (contact) Mark Conrad, NEPA Coordinator		
Department of Transportation <sup>1</sup>	Greg Fredrick, Asst. Chief Engineer, Engineering and Planning		
Wyoming Livestock Board <sup>1</sup>	Doug Miyamoto, Director		
Oil and Gas Conservation Commission <sup>1</sup>	Mark Watson, Agency Supervisor		
State Forestry Division <sup>1</sup>	Bill Crapser, State Forester		
Federal Agencies			
EPA, Region 8	Dana Allen, Compliance Sector Lead	09/21/2011	Requested to be a Cooperating Agency
NPS Intermountain Region	Cheryl Eckhardt, Compliance Lee Kreutzer (contact)	10/03/2011	Requested to be a Cooperating Agency
FWS, Ecological Services Field Office	Nathan Darnall, Section 7 Pauline Hope, Sage-Grouse CCAA	09/21/2011	Requested to be a Cooperating Agency
NRC	James Park, Environmental Project Manager (contact)	09/16/2011	Consulting Agency
<sup>1</sup> The involvement of indicated state agencies as a Cooperating Agency is coordinated through the Office of the Wyoming Governor, which has accepted the role of Cooperating Agency.			

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